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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 01.02.2016

+ **WP(C) No.4130 /2015**

MUNSHI RAM & ORS

.... Petitioners

versus

UNION OF INDIA & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioners	:	Mr Ajay Pratap Singh Sehgal
For the Respondents	:	Mr Bhagwan Swarup Shukla for Union of India.
For the Respondent DDA	:	Mr Dhanesh Relan
For the Respondent L&B/LAC	:	Mr Siddharth Panda

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

WP(C) No.4130 /2015 & CM No.7497/2015(stay)

1. The counter affidavit handed over by Mr Siddharth Panda, the learned counsel on behalf of the respondent No.2, is taken on record. The learned counsel for the petitioners does not wish to file any rejoinder affidavit and reiterates the contents of the writ petition in response to the said counter-affidavit.

2. The petitioners seek the benefit of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act') which came into effect on 01.01.2014. A declaration is sought to the effect that the acquisition proceeding initiated under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') in respect of which Award No.23/1987-88 dated 17.06.1987 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra Nos.274 (4-18) and 514 (4-9) measuring 9 bighas 7 biswas in all in village Maidan Garhi, shall be deemed to have lapsed.

3. The stand of the respondents is that physical possession of the said land was taken on 16.07.1987. This is disputed by the petitioners, who claim to be in actual physical possession of the subject land.

4. Insofar as the question of compensation is concerned, the same has not been offered or paid to the petitioners but, according to the respondents, the same has been deposited in the treasury. That would be of no use to them inasmuch as such a deposit does not amount to payment of compensation as interpreted by the Supreme Court in **Pune Municipal**

Corporation and Anr v. Harakchand Misirimal Solanki and Ors: (2014)

3 SCC 183. The award was also made more than five years prior to the commencement of the 2013 Act. Therefore, without going into the controversy with regard to the physical possession, all the necessary ingredients for the application of Section 24(2) of the 2013 Act as interpreted by the Supreme Court and this Court in the following cases stand satisfied:-

- (1) **Union of India and Ors v. Shiv Raj and Ors: (2014) 6 SCC 564;**
- (2) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors: Civil Appeal No. 8700/2013** decided on 10.09.2014;
- (3) **Surender Singh v. Union of India & Others: WP(C) 2294/2014** decided on 12.09.2014 by this Court; and
- (4) **Girish Chhabra v. Lt. Governor of Delhi and Ors: WP(C) 2759/2014** decided on 12.09.2014 by this Court.

5. As a result, the petitioners are entitled to a declaration that the said acquisition proceedings initiated under the 1894 Act in respect of the subject land are deemed to have lapsed. It is so declared.

6. The writ petition is allowed to the aforesaid extent. There shall be no order as to costs.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

FEBRUARY 01, 2016
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